

*Commissioners*

**MARISEL A. HERNANDEZ**, *Chair*  
**WILLIAM J. KRESSE**, *Commissioner/Secretary*  
**JONATHAN T. SWAIN**, *Commissioner*  
**LANCE GOUGH**, *Executive Director*



**Board of Election Commissioners for the City of Chicago**  
**Minutes of the**

**Regular Board Meeting**  
**January 22, 2019, 10:30 a.m.**

**69 West Washington Street, 8th Floor Conference Room, Chicago, Illinois 60602**

**Board Members:**

Marisel A. Hernandez, Chairwoman  
William J. Kresse, Commissioner/Secretary  
Jonathan T. Swain, Commissioner

**Staff:**

Lance Gough, Executive Director  
Adam W. Lasker, General Counsel  
Charles Holiday, Assistant Executive  
James P. Allen, Communications Director  
Amanda Robelo, Purchasing  
Gary Ryczyn, Consultant  
Geneva Morris, Videographer  
Trupti Patel  
Trish Sheehy

**Guests:**

Helene Gabelnick, League of Women Voters of Chicago (LWV Chicago)  
C. Betty Magness, Rainbow PUSH Coalition

- I. Call to Order: The meeting was called to order by the Chair at 10:36 am.
- II. Roll Call: All members were presents
- III. Consideration of Agenda: The agenda was accepted as presented.
- IV. Approval of Minutes:
  - A. Minutes of the Regular Board Meeting of November 13, 2018; Commissioner Swain moved to approve the Minutes of the Regular Board Meeting of November 13, 2018. Commissioner Kresse seconded the motion. The Minutes were approved by a 3:0 vote of the Board.
  - B. Minutes of the Regular Board Meeting of November 27, 2018; Commissioner Swain moved to approve the Minutes of the Regular Board Meeting of November 27, 2018. Commissioner Kresse seconded the motion. The Minutes were approved by unanimous vote of the Board.

V. Executive Director's Report

Executive Director Lance Gough reported:

- Mr. Gough has a copy of the Illinois State Board of Elections' (ISBE) legislative agenda and will be discussing it further with General Counsel Adam Lasker and individual Board members. Additionally, he will discuss with General Counsel Adam Lasker and individual Board members the possibility of adding sanctions for "bad faith" objections to nominating papers.
- ISBE is coming in to test our vote counting equipment and perform a cybersecurity evaluation of our central office equipment.

A. Assistant Executive Director

Assistant Executive Director Charles Holiday reported:

- He commended the handwriting experts for their work during the Electoral Board Records Exams. This year we had the most records exams. The handwriting experts are working on the last case, a Treasurer's race case. This should be done this afternoon.
- The Registration Department is on track with the registration processing.
- We will possibly open the Early Voting (EV) supersite on the 28<sup>th</sup> or 30<sup>th</sup> depending on the ballot and getting the equipment ready. Everything is currently on track for the 28<sup>th</sup>.
- ES&S is prepping for Judge of Election training and the testing of e-poll books.
- In a related note, General Counsel Lasker reported that there is 1 municipal race case and 20-24 aldermanic cases still in house to be decided.

B. Communications Director

Communications Director Jim Allen reported:

- He recently participated with Chicago Public Schools (CPS) Civics instructors, and other groups including Mikva Challenge, to explain resources available through the Board and ideas for planning in advance of the election and for field trips to voting sites.
- We are scheduled to "drop" a mass mailing to voters on Feb 7<sup>th</sup>.
- Sample ballots will go on line in tandem with the Supersite opening.
- Regarding posting candidate contact information that we gathered during petition filings: we have some incomplete information. Mr. Allen requests permission from the Board to write to candidates where the information was incomplete. All Board members agreed to give Mr. Allen permission to write to the candidates regarding this matter.

VI. Old Business

- A. Infrastructure Projects and Changes in Election Administration: Will return to this subject after the April election.
- B. Electronic Poll Books: Already reported that all is going well with the e-poll books.
- C. Voting Equipment: Matters are progressing well in this area too.
- D. Legislation: General Counsel Lasker reported that the Board's legislative agenda will include a proposal to add the power to impose sanctions for bad faith objections. Mr.

Lasker reported that he has spoken with members of the Association of Election Commissions of Illinois (AECOI) and the General Counsel of the ISBE about working on legislation that are in accord to the Board's legislative agenda.

- Mr. Lasker further reported that he will be working with the Illinois House Speaker's office with regard the Board's legislative agenda.

VII. New Business

- A. Approval of a short-term property use agreement with 108 North State Street (Chicago) Owner, LLC (d/b/a "Block 37") for training facilities for judges of election and election coordinators in relation to the February and April 2019 elections at a cost of \$40,000.00.
- We have had training there in the past, with essentially the same agreement. Commissioner Kresse moved to approve the short-term property use agreement with 108 North State Street (d/b/a "Block 37") with the term of the agreement being from January 28, 2019 through, and including April 2, 2019, at a cost of \$40,000 for the entire term. Commissioner Swain seconded the motion. The motion passed and the agreement was approved by unanimous vote of the Board.
- B. Approval of an agreement with 3xData Corp. for provisional ballot fulfillment services for the February and April 2019 elections at an estimated cost of \$33,719.32 for each election.
- Follows the previous contract, with the purpose of providing provisional ballots for out of precinct votes. This is an extension to the previous contract. This is an expertise contract; it was bid out in the past, and this vendor was the only responder.
  - Commissioner Kresse moved to approve the agreement with 3xData Corp for provisional ballot fulfillment services for the February and April 2019 elections at an estimated cost of \$33,719.32 for each election. Commissioner Swain seconded the motion. The agreement was approved by a 3:0 vote of the Board.
- C. Approval of an agreement with 3xData Corp. for absentee/mail-in ballot fulfillment services for the February and April 2019 elections at an estimated cost of \$306,487.00 for each election.
- Mr. Gough explained that this is basically an extension of existing contract, and that the vendor did well in the past with the last minute ballot changes. The vendor cost is based on an estimated 150,000 ballots.
  - Commissioner Kresse moved to approve the agreement with 3xData Corp for absentee (VBM) fulfillment for both the February and April 2019 elections. Commissioner Swain seconded the motion. The motion was approved by 3:0 vote of the Board.
- D. Possible Board action for ballot forfeiture as required by the Illinois State Board of Elections pursuant to 10 ILCS 5/9-30.
- Mr. Lasker explained that Article 9 states in part as follows:  
"Ballot forfeiture. The State Board of Elections shall not certify the name of any person who has not paid a civil penalty imposed against his or her political committee under this Article to appear upon any ballot for any office in any election if the penalty is unpaid by the date required for certification."

“The State Board of Elections shall generate a list of all candidates whose political committees have not paid any civil penalty assessment against them under this Article. Such list shall be transmitted to any election authority whose duty it is to place the name of any such candidate on the ballot. The election authority shall not place upon the ballot the name of any candidate appearing on this list for any office in any election while the penalty is unpaid, unless the candidate has requested a hearing and the [ISBE] Board has not disposed of the matter by the date of certification.”

The Illinois State Board of Elections (ISBE) periodically transmits its updated Ballot Forfeiture List to the Chicago Board, most recently on December 20, 2018, which was the statutory deadline for ballot certification for the February 26, 2019, consolidated election. The Director of the ISBE Campaign Disclosure Division sends us the list, along with subsequent periodic emails informing us of any candidates who have paid off their debts to the ISBE and have therefore been removed from the list. As of 8:11 a.m. this morning only 1 candidate that would affect the Chicago ballot, Matthew Johnson, remained on the forfeiture list.

Matthew Johnson’s committee, All Citizens for Matthew Johnson, owes a \$10,000 fine to the ISBE. Because we must comply with the Statute, Mr. Lasker requested a motion that Matthew Johnson’s name not appear on the ballot unless he pays off the fine before we have to finalize the touchscreen machines and send the ballots to the printer, which will be no later than the 25<sup>th</sup>.

Commissioner Kresse asked if Mr. Lasker believed that the ISBE had notified Mr. Johnson of the fine. Mr. Lasker answered in the affirmative; that there’s plenty of due process. The ISBE did its due diligence. The ballot forfeiture list is posted on the ISBE website. Commissioner Kresse moved to NOT print the name of Candidate Matthew Johnson upon any ballots for the February 26, 2019 municipal and aldermanic elections pursuant to 10 ILCS 5/9-30 unless the candidate takes the necessary action to be removed from the Illinois State Board of Elections’ official Ballot Forfeiture List and provides notice of same to the Chicago Board of Election Commissioners prior to the date that the Chicago Board finalizes its ballots for printing and production. Commissioner Swain seconded the motion. The motion passed by unanimous vote of the Board.

#### VIII. Legal Report

- The Legal Department helps prepare the Canvass schedule, and proposes that due to the tight scheduling of elections that we schedule the proclamation 15 days after the election, March 13<sup>th</sup>, which is the earliest that we can proclaim as the statutory deadline for the return of VBM ballots is the 14<sup>th</sup> day after the election, or March 12.
- Commissioner Swain asked how this schedule will work. Mr. Lasker noted that under the statutes a candidate cannot file contests or seek discovery recounts until after the results of the election are proclaimed. So we are giving the canvass proclamation process the shortest window possible, because there isn’t much time between March 13<sup>th</sup> and April 2<sup>nd</sup> to perform a recount if necessary.

IX. Financial Report: none.

X. Public Comment: none.

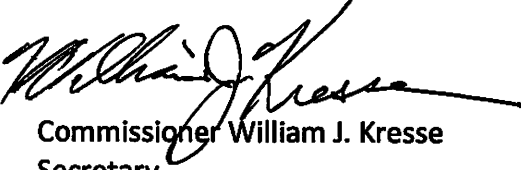
XI. Executive Session: none.

XII. Adjournment: Commissioner Swain moved to adjourn until the next scheduled Regular Board

Regular Board Meeting – January 22, 2019  
Chicago Board of Election Commissioners

Meeting of February 14th. Commissioner Kresse seconded the motion. The Board voted unanimously to adjourn. The meeting was adjourned at 11:03 am.

Submitted,



Commissioner William J. Kresse  
Secretary